

**DISPOSITION:** March 23, 1954. The defendant having entered a plea of guilty, the court fined him \$250 and placed him on probation for 1 year.

**21732. Adulteration of frozen black-eyed peas. U. S. v. Southern Frozen Foods, Inc., and William H. McKenzie, Jr. Pleas of nolo contendere. Fine of \$375 against each defendant. (F. D. C. No. 36629. Sample Nos. 38988-L, 42692-L, 72483-L, 72484-L, 78649-L.)**

**INFORMATION FILED:** November 5, 1954, Middle District of Georgia, against Southern Frozen Foods, Inc., Montezuma, Ga., and William H. McKenzie, Jr., president of the corporation.

**ALLEGED SHIPMENT:** Between the approximate dates of July 7 and September 17, 1953, from the State of Georgia into the States of California and Kentucky and the District of Columbia.

**LABEL, IN PART:** (Carton) "McKenzie's Frozen Fresh Blackeye Peas Net Wt. 12 Oz."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insects and insect-damaged peas.

**DISPOSITION:** December 20, 1954. The defendants having entered pleas of nolo contendere, the court imposed a fine of \$375 against each defendant.

**21733. Adulteration of dried chickpeas. U. S. v. Louis Cohen. Plea of guilty. Fine, \$100. (F. D. C. No. 36643. Sample Nos. 62491-L, 75475-L.)**

**INFORMATION FILED:** December 22, 1954, Southern District of New York, against Louis Cohen, New York, N. Y.

**ALLEGED SHIPMENT:** On or about January 7 and March 29, 1954, from the State of New York into the States of Missouri and Virginia.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insects.

**DISPOSITION:** January 18, 1955. The defendant having entered a plea of guilty, the court imposed a fine of \$100.

**21734. Adulteration of sweet pickle relish. U. S. v. Harper & Bateman Pickle Co., Inc., and Judson C. Bateman. Plea of guilty by corporation and plea of nolo contendere by individual. Fine of \$150, plus costs, against corporation; individual placed on probation for 6 months. (F. D. C. No. 36578. Sample No. 84433-L.)**

**INFORMATION FILED:** July 21, 1954, District of Maryland, against Harper & Bateman Pickle Co., Inc., Hurlock, Md., and Judson C. Bateman, president of the corporation.

**ALLEGED SHIPMENT:** On or about December 9, 1953, from the State of Maryland into the State of Pennsylvania.

**LABEL, IN PART:** (Jar) "Arthur Brand Sweet Pickle Relish Contents One Gallon Packed for Master Chef Foods Philadelphia, Pa."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of flies (*Drosophila*), insect fragments, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** October 15, 1954. The corporation having entered a plea of guilty and the individual having entered a plea of nolo contendere, the court fined the corporation \$150, plus costs, and placed the individual on probation for 6 months.

### **TOMATOES AND TOMATO PRODUCTS\***

**21735. Misbranding of canned tomatoes and canned peas. U. S. v. Meyer Mittleman (Keystone Pickling Works). Plea of guilty. Fine, \$1,500. (F. D. C. No. 35139. Sample Nos. 66946-L, 66947-L, 67096-L.)**

**INFORMATION FILED:** October 6, 1953, Eastern District of Pennsylvania, against Meyer Mittleman, trading as the Keystone Pickling Works, Philadelphia, Pa.

**ALLEGED VIOLATION:** Between the approximate dates of January 11, 1952, and January 23, 1953, while a number of cans of tomatoes and peas were being held for sale at the Keystone Pickling Works, after shipment in interstate commerce, the defendant caused the removal of the labels which were borne on the cans when shipped in interstate commerce and caused new labels to be affixed to such cans, which acts of relabeling resulted in the articles being misbranded.

**LABEL, IN PART:** (On cans when shipped) "River Farm Brand Tomatoes Contents 1 Lb. 3 Oz. Below Standard In Quality Good Food—Not High Grade Packed By James A. Lewis Avalon, Virginia," "Syco Brand Early June Peas Below Standard In Quality Good Food—Not High Grade Albert W. Sisk and Son Distributors Not Manufacturers Preston, Md. and Aberdeen, Md. U. S. A.," and "Reeves Parvin & Co. Phila., Pa. Distributors Morning Glory Sweet Peas Contents 8½ Oz. Avoir. Reeves Parvin & Co. Philadelphia, Pa. Altoona, Pa. Huntingdon, Pa. Allentown, Pa. Williamsport, Pa. Wilmington, Del."; (on relabeled cans) "Net Weight 1 Lb. 3 Oz. Farm Fresh Brand Fancy Hand Packed Tomatoes Trace of Calcium Salt Added Packed By Garden State Canning Co. Hightstown, N. J.," "Net Weight 1 Lb. 3 Oz. Farm Fresh Brand Hand Packed Tomatoes Packed by Garden State Canning Co. Hightstown, N. J.," "Crown of Maryland Tomatoes Contents 1 Lb. 3 Ozs. Distributed—Not Manufactured By Preston Canning Co. Preston, Md. Product of U. S. A.," "Cliff Brand Contents 1 Lb. Wisconsin Early June Peas Size 2 Distributed by Keystone Pickling Works Philadelphia, Pa.," and "Wisconsin Peas Contents 8 Oz. Arlington Canning Company Arlington, Wisconsin Sweet Variety."

**NATURE OF CHARGE:** Tomatoes. Misbranding, Section 403 (a), the label statement "Packed By Garden State Canning Co. Hightstown, N. J." appearing on a number of the relabeled cans was false and misleading since the article in such relabeled cans was not packed by the Garden State Canning Co., Hightstown, N. J., and the label statement "Fancy Hand Packed Tomatoes" appearing on a number of the relabeled cans was false and misleading since the statement represented and suggested that the article was of fancy quality, whereas it was not of fancy quality but was below standard in quality. Further misbranding, Section 403 (h) (1), the article in the relabeled cans failed to conform to the standard of quality for canned tomatoes because of excessive tomato peel, and the label of the article in the relabeled cans failed to bear a statement that the article fell below such standard.

Peas. Misbranding, Section 403 (a), the label statement "Wisconsin Early June Peas" appearing on a number of the relabeled cans was false and mis-

\*See also No. 21748.